

December 22, 2004
Case No.: AUS920010450US (9000/46)
Serial No.: 09/903,722
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REMARKS:

The Applicant would like to thank the Examiner and Supervisor for granting and conducting the phone interview of December 15, 2004.

The present amendment replies to a First Non-Final Office Action dated September 27, 2004. The Examiner rejected claims 1-25 under 35 U.S.C. § 102(b) as being anticipated by Regis et al. (USPN 5,442,679). The Applicant has thoroughly considered the Examiner's remarks concerning the rejection. Independent claims 1, 13, and 25 have been amended herein to more specifically point out and distinctly claim the present invention. Dependent claims 2 and 14 have been cancelled herein without disclaimer or prejudice to the subject matter. No new matter has been introduced by the amendment to the claims. Independent claims 1, 13, and 25 have been amended to include the limitation of automatically marking a dropped call and activating a call drop feature.

Regarding dependent claims 2 and 14, the Applicant respectfully disagrees with the assertion that Regis discloses the step of marking the dropped call, wherein a call drop function is activated. Furthermore, Regis does not disclose, teach, or suggest automatically marking a dropped call to activate a call drop feature as recited in amended claims 1, 13 and 25. Regis discloses (col. 12 lines 45-68) the use of SMDR record information, if available to the customer, to identify the location of dropped calls. This requires the customer to notate incidences of dropped calls, obtain SMDR data from the provider, and then cross-check this with TMM data--a tedious process. This strategy is more directed toward isolating the location of the dropped call, either the customer premises equipment or the central office (col. 12 lines 59-64), and not for the reimbursement of dropped calls. Moreover, Regis is silent as to how this process would lead to the activation of a call drop feature.

As described in the background of the present application (paragraph 3) the process by which a customer obtains reimbursement for a dropped call can be very tedious and cumbersome. The teachings of Regis are not dissimilar from the prior art described in the present application. The strategy described by Regis, however, does not allow a customer to conveniently mark a dropped call and then to activate a call drop feature. As independent claims 1, 13, and 25 as amended of the present

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application now include the feature of automatically marking a dropped call and activating a call drop feature, said claims are allowable over Regis for the aforementioned reasons.

Claims 3-12 and 15-24 depend from independent claims 1 and 13, respectively, and therefore include each and every limitation of claims 1 and 13. Therefore, claims 3-12 and 15-24 should be allowed for at least the same reasons provided for claims 1 and 13. The rejections to claims 3-12 and 15-24 are thereby obviated. Withdrawal of the rejections to claims 3-12 and 15-24 under 35 U.S.C. § 102(b) is respectfully requested.

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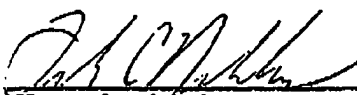
SUMMARY:

The Examiner's 35 U.S.C. § 102(b) rejections have been obviated by the amendments to claims 1, 13, and 25 and the above remarks. The Applicant respectfully submits that claims 1, 3-13, and 15-25 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

Dated: December 22, 2004

Respectfully submitted,
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